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OCT 27 2005

PATENT

Practitioner's Docket No. 101078.0001US3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Babak Nemat

Application No.: 09/777,640

Group No.: 3763

Filed: February 7, 2001

Examiner: Hayes, Michael

For: Method and Apparatus to Enhance Optical Transparency of Biological Tissues

Mail Stop: Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**CONDITIONAL PETITION AND FEE FOR EXTENSION OF TIME
IN PARENT CASE THAT IS TO BE ABANDONED
WHEN FILING NEW APPLICATION CLAIMING ITS BENEFIT**

1. This conditional petition is being filed along with the separately filed continuation-in-part (C-I-P) application and provides for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

A copy of this petition is being filed with the papers constituting the filing of the separately filed application.

If any extension of time for the accompanying response is required, applicant requests that this be considered a petition therefor.

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CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
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Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

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G transmits to the Patent and Trademark Office, (571) 273 - 8300.

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Jacquelyn Campbell

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* Only the date of filing (• 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under • 1.8 continues to be taken into account in determining timeliness. See • 1.703(f). Consider "Express Mail Post Office to Addressee" • 1.10) or facsimile transmission (• 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Conditional Petition and Fee for Extension of Time in Parent Case When Filing New Application Claiming Its Benefit—page 1 of 2

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